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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,430	11/20/2001	Jason T. Murar	VEI 0374 PUS	2802

7590

09/11/2003

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EXAMINER

HARAN, JOHN T

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 09/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/996,430

Examiner

John T. Haran

Applicant(s)

MURAR ET AL.

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-- The MAILING DATE of this communication appears n the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-4, drawn to a method of manufacturing an air bag cover, classified in class 156, subclass 272.2.
 - II. Claims 5-8, drawn to a system for manufacturing an air bag cover assembly, classified in class 156, subclass 380.9.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process such as bonding together pieces of plastic to form a laminate rather than an air bag cover assembly.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Mr. David Syrowik on 9/4/03 a provisional election was made without traverse to prosecute the invention of Group II, claims 5-8. Affirmation of this election must be made by applicant in replying to this Office action.

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Claims 1-4 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Specification

6. The disclosure is objected to because of the following informalities: on page 1, lines 4-6 should be deleted because that subject matter is redundant in view of the amendment made to the specification in the preliminary amendment. It is also noted that the preliminary amendment should be amended to indicate that the parent application is now U.S. Patent 6,579,402.

Appropriate correction is required.

Claim Objections

7. Claims 7-8 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The limitations in claim 7 and 8 place limitations on the back plate and the infrared absorbing material however these are considered the material worked upon and not part of the system. It

is unclear how specifying particular features of the back plate or the form of the infrared absorbing material further limit the system because they do not appear to affect the working of the system or require any modifications to the system to be capable of manufacturing an air bag cover assembly from a back plate and infrared absorbing material with the specified limitations.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 5-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 is indefinite because there is a lack of antecedent basis for "the plastic parts" in the last line of the claim. It appears that "the plastic parts" refer to the front panel and back plate and it is suggested to specify in the preamble that the front panel and back plate are plastic and to specify that the parts bonded together are the plastic front panel and plastic back plate. It is also noted that it appears the word "controlled" should read - - controller - -.

Claim 6 is indefinite because it is unclear to what the mechanism is mounted (the base? the fixture?) or how it forces the heated infrared absorbing material to flow (through pressure?). Clarification is requested.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grimm (U.S. Patent 5,840,147) in view of Swartz (U.S. Patent 5,151,149).

Grimm is directed to a method and apparatus for joining plastic pieces together wherein an infrared absorbing material (42) is placed at a junction between two pieces of plastic and an infrared lamp (12) emits infrared radiation to melt the infrared absorbing material (Column 3, lines 20-21; Column 4, lines 18-20). Grimm also teaches a base (60) with a fixture (54) mounted thereon for receiving and retaining a plastic piece during assembly (See Figure 2; Column 8, lines 14-19). It is noted that the fixture (54) and the shape of the plastic pieces worked upon illustrated in Figure 2 are merely illustrative. One skilled in the art would have readily appreciated that the shape of the fixture (54) for receiving and retaining would depend upon the shape of the plastic worked upon and that Grimm is directed to bonding plastic pieces together in general and would be capable of bonding a plastic back plate to a plastic front panel. Grimm's general teaching of bonding plastic pieces together would motivate one skilled in the art to utilize the system of Grimm to bond a back plate to a front panel to form an air bag cover assembly. It would have been well within the mechanical skill of one in the art to

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form a fixture for receiving and retaining a front panel and back plate for an air bag cover assembly.

It is also noted that Grimm is silent towards having a controller coupled to the infrared lamp for controlling the power supply to the lamp. It is well known and conventional to control the amount of heat applied to an infrared absorbing material through infrared radiation by having a controller coupled to the source of infrared radiation, as evidenced for example in Swartz (Column 6, lines 7-29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a fixture shaped to receive and retain a front panel and back plate in the system of Grimm and to have a controller coupled to the infrared lamp for controlling the power supply to the lamp in the system of Grimm as suggested in Swartz in order to avoid over heating of the plastic parts.

Regarding claim 6, Grimm teaches applying pressure to move fixture (54) in order to press the plastic pieces together and one skilled in the art would have readily appreciated that this involves relative movement to the base and the exerted pressure would cause the heated infrared-absorbing material to flow.

Regarding claims 7 and 8, as noted above the material worked upon is not considered part of the system and the system of Grimm, as modified above, is capable of working without any modifications if the back plate has holes or the infrared absorbing material is a heat-activated adhesive or in the form of stakes.

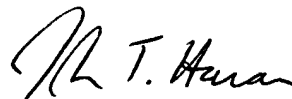
Conclusion

12. It is noted that the present application contains features not presently claimed which better define the invention. It is suggested to claim more of the features illustrated in Figures 1 and 3, such as the staking pistons (46) and the positioning of the infrared lamps (38) in relation to the staking pistons.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John T. Haran** whose telephone number is **(703) 305-0052**. The examiner can normally be reached on M-Th (8 - 5) and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael W. Ball can be reached on (703) 308-2058. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



John T. Haran
Examiner
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